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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,776	06/19/2001	Joel Frederick Kilpatrick	RSW920010091US1	2332

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CENTRAL COAST PATENT AGENCY  
PO BOX 187  
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EXAMINER

NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/884,776

**Applicant(s)**

KILPATRICK, JOEL FREDERICK

**Examiner**

Quynh H Nguyen

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed 5/19/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in the prior office action.

### ***Claim Rejections - 35 USC § 103***

2. Claims 1, 2, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agusta (U.S. Patent 6,584,192) in view of Bogart et al. (U.S. Patent 6,163,607).

Regarding claims 1 and 4, Agusta teaches the steps of: in response to a task to be serviced, ascertaining all agent skills relevant to process the task out of a set of n defined skills (col. 1, lines 48-52); establishing a skill expression that defines a logical relationship between all skill relevant to service the task (col. 1, lines 52-65). Agusta utilized a different algorithm for selecting an agent to service a task in a skills-based routing in his system, for example, the normalized proficiency is calculated by summing an agent's proficiency levels for each of the skills in a qualifying skill state and subtracting from that value the sum of the proficiencies for the same skills. Agusta does not use the algorithm to calculate a skill weight for each relevant skill that represents the relative importance of the skill in the skill expression, deriving a score for each agent qualified to service the task based on the calculated skill weights, and selecting an agent to service the task from the set of qualified agents according to the scores of each qualified agent.

Bogart et al. teach the formula that weights the agent's individual service profile based on the type of transaction represented by the arrived call. A formula used to normalize each score, weight each score by a multiplier, sum the weighted scores, and then divide the sum by the maximum possible score (col. 5, line 10 through col. 7, line 2); selecting an agent to service the task from the set of qualified agents according to the scores of each qualified agent (col. 2, lines 51-54).

It is obvious that every system would use a different algorithm/formula to calculate a proficiency level or skill weight and deriving a score for each agent qualified to service the task, but the end result is to select an agent to service the task from the set of qualified agents according to the score of each qualified agent.

Regarding claim 2, Bogart et al. teach a formula that is used to weight the agent's individual service profile scores based on the type of transaction represented by the arrived call (col. 5, line 36 through col. 6, line 11).

#### ***Allowable Subject Matter***

3. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter: The specific formulas recited in claim 3 are neither taught, nor made fairly obvious by the prior art of record.

#### ***Response to Arguments***

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5. Applicant's arguments filed 5/19/04 have been fully considered but they are not persuasive.

Applicant argues that Bogart does not teach weighting each individual skill in a set of skills according to it's importance to servicing the task. Examiner respectfully disagrees. Bogart teaches in response to a task (catalog sale, information request, complaint, etc. – col. 4, line 59) to be serviced, generator 151 weights the age of the stored data for skill X for agent Z, the weighting reflects agent performance. For example, an agent becoming more proficient, or “burned out”, or having a good day or bad day. A formula may normalize each score to a 100-point scale, weight each score and the selector selects the agent who has the best-combined score to handle the call (col. 5, line 10 through col. 6, line 46). The best score may be the highest score, or a just-sufficient score (col. 5, line 63 through col. 6, line 2).

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

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the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

qhn

Quynh H. Nguyen  
July 22, 2004

  
AHMAD MATAR  
SUPERVISORY PATENT EXAMINER  
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